

FILED

2015 AUG 11 PM 2:38

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXASBY 

JAMIE C. SCHILLING, KATELYN	§
ELIZABETH BROOKS, AND	§
SHERI OLSEN, FOR THEMSELVES	§
AND ALL OTHERS SIMILARLY	§
SITUATED,	§
PLAINTIFFS,	§
	§
V.	§ CAUSE NO. A-14-CV-1049-LY
	§
MID-AMERICA APARTMENT	§
COMMUNITIES, INC. AND	§
MID-AMERICA APARTMENTS, L.P.,	§
DEFENDANTS.	§

ORDER ON REPORT AND RECOMMENDATION AND CONSOLIDATING ACTION

Before the court are (1) the Second Motion to Dismiss of Defendants Mid-America Apartment Communities, Inc. and Mid-America Apartments, LP (Doc. #18), Plaintiff's Response (Doc. #24), and Defendants' Reply (Doc. #28); and (2) Plaintiffs' Motion for Leave to File Second Amended Complaint (Doc. #32) and Defendants' Response (Doc. #33). The motions, responses, and replies were referred to the United States Magistrate Judge for report and recommendation as to the merits pursuant to 28 U.S.C. § 636(b), Rule 72 of the Federal Rules of Civil Procedure, and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas.

The Report and Recommendation of the United States Magistrate Judge was filed on July 1, 2015 (Doc. #29), recommending that this court deny Defendants' second motion to dismiss and grant Plaintiffs' motion for leave to file second amended complaint. Defendants' Objections to the Report and Recommendation of the United States Magistrate Judge were filed July 15, 2015 (Doc. #39). Plaintiffs' Response to Defendant's Rule 72 Objections to the Report of Magistrate

Judge Austin was filed July 17, 2015 (Doc. #40). In light of the objections, the court has undertaken a *de novo* review of the entire case file and, following the August 6, 2015 hearing before the court on all matters, finds that the Report and Recommendation should be accepted and approved for substantially the reasons stated therein.

IT IS THEREFORE ORDERED that Defendants' Objections to the Report and Recommendation of the United States Magistrate Judge were filed July 15, 2015 (Doc. #39) are **OVERRULED**.

IT IS FURTHER ORDERED that the Report and Recommendation of the United States Magistrate Judge (Doc. #36) is **APPROVED** and **ACCEPTED** as set forth herein.

IT IS FURTHER ORDERED that the Second Motion to Dismiss of Defendants Mid-America Apartment Communities, Inc. and Mid-America Apartments, LP (Doc. #18) is **DENIED**.

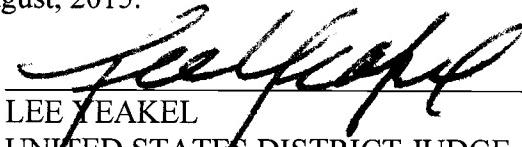
IT IS FURTHER ORDERED that Plaintiffs' Motion for Leave to File Second Amended Complaint (Doc. #32) is **GRANTED**. The clerk is instructed to file Plaintiffs' Second Amended Complaint and Jury Demand attached to the motion.

The court, on its own motion, **FURTHER ORDERS** Cause No. A-15-CV-454-LY be consolidated with and into Cause No. A-14-CV-1049-LY. The style in the case remaining before this court is modified as noted in the style utilized in this order. The clerk and the parties in this case are **FURTHER ORDERED** use the above-referenced style for all future pleadings in this cause.

IT IS FURTHER ORDERED that the parties are to file with the court a Proposed Agreed Scheduling Order **on or before August 18, 2015**.

IT IS FINALLY ORDERED that all other pending motions are **DISMISSED WITHOUT PREJUDICE** because the parties have been ordered to file a proposed agreed scheduling order.

SIGNED this 11th day of August, 2015.


LEE PEAKEL
UNITED STATES DISTRICT JUDGE